

THE HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

JAMES M. PETERS, et al.,

Defendants.

NO. C11 5424 BHS

DEFENDANTS' MOTION FOR
LEAVE TO FILE JOINT MOTIONS
IN LIMINE IN EXCESS
OF 18 PAGES

NOTE ON MOTION CALENDAR:
Friday, November 22, 2013

I. NATURE OF MOTION & RELIEF REQUESTED

Defendants Sharon Krause and Michael Davidson (hereafter "defendants") hereby move pursuant to W.D. Local Rule 7(f) for leave to file motions in limine in excess of the 18 page limit set forth in W.D. Local Rule 7(e)(5). Specifically, defendants seek permission to file joint motions in limine not to exceed 32 pages.

II. GROUNDS FOR MOTION

As explained in the similar motion filed by plaintiff seeking leave to exceed the 18 page limit for motions in limine (Dkt.193), this matter is scheduled for trial to commence on January 7, 2014, and motions in limine are due by December 2, 2013.

Discovery in this matter has covered events dating back to 1984, and has resulted in a large volume of documents being produced, represented by plaintiff to be over 15,000 in number. Also, this Court has ruled on summary judgment and related motions brought by all defendants originally named in the Complaint, dismissing certain defendants, and dismissing many of the claims against these remaining two defendants.

Due to the posture of the case and the large volume of documents and scope of testimony which could be offered by plaintiff, numerous motions in limine are necessary to properly limit the evidence to the issues that remain to be resolved at trial. This request is especially appropriate since defendants could file separate motions in limine of 18 pages each, but instead, in the interest of efficiency, seek leave to file joint motions not to exceed 32 pages. Defendants' counsel will confer with plaintiff's counsel in good faith as required by W.D. Local Rule 7(d)(4) to resolve which matters really are in dispute before filing motions in limine.

IV. CONCLUSION

For the foregoing reasons, defendants request leave to file joint motions in limine not to exceed 32 pages.

DATED this 22nd day of November, 2013.

/s/ Guy Bogdanovich

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/s/ Jeffrey A. O. Freimund

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that on this 22nd day of November, 2013, I electronically filed Defendants' Motion for Leave to File Joint Motions in Limine in Excess of 18 Pages, and a Proposed Order Granting said Motion, with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following parties:

Plaintiff Clyde Spencer and Matthew Spencer Attorneys

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Defendant Michael Davidson

jefff@fjtlaw.com

DATED this 22nd day of November, 2013 at Tumwater, Washington.

/s/ Lisa Gates